

SPECIAL MEETING OF THE OKLAHOMA WORKERS' COMPENSATION COMMISSION

~ APPEALS ~

Friday, January 15, 2021
9:00 a.m.
Commission Chambers
1915 N. Stiles Ave.
Oklahoma City, Oklahoma
www.wcc.ok.gov

[Interim Guidance on Commission Appellate Proceedings](#)

MINUTES

Members present: Chairman Mark Liotta, Commissioner Jordan Russell, and Commissioner Megan Tilly.

Staff present to support the Commission: Lindsey Christopher, Alexander Watkins, and Monica Pack.

STATEMENT OF OKLAHOMA OPEN MEETING LAW COMPLIANCE

Chairman Liotta stated the administrative meeting was being held in compliance with the Open Meetings Act.

CALL TO ORDER.....Presiding Appellate Officer, Chairman Liotta

Call to order 9:00 a.m. by Chairman Liotta, Presiding Appellate Officer.

ROLL CALL.....Presiding Appellate Officer, Chairman Liotta

After the roll call was taken, Chairman Liotta announced the presence of a Quorum.

A. **Appeal Hearings before the Commission En Banc from Orders Issued by the Commission's Administrative Law Judges**

1. **Elvis Allen v. Aero Components Inc. and Travelers Property & Casualty Co. of America, File #CM2018-04168K**

Respondent filed an appeal from the order issued by Administrative Law Judge Curtin. Daniel M. Davis appeared for the Claimant and Loretta Jones appeared for the Respondent.

Motion: After reviewing the record, hearing oral arguments, and deliberating, Commissioner Russell moved to affirm the Administrative Law Judge's order and authorized the Commission's Presiding Appellate Officer to sign and file an order on behalf of the Commission.

Second: Commissioner Tilly.

Those Voting Aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

THE MOTION CARRIED: ALJ ORDER AFFIRMED

2. Joseph Garzone v. MITF, File #CM2016-05110A

Respondent filed an appeal from the order issued by Administrative Law Judge Inhofe. Bret Unterschuetz appeared for the Claimant and Jennifer Finley appeared for the Respondent.

Motion: After reviewing the record, hearing oral argument of counsel and deliberating, Commissioner Tilly moved to take preliminary action to affirm the Administrative Law Judge's Order and instruct Appellate Counsel or other staff member to draft a proposed order to be considered at a future meeting.

Second: Commissioner Russell.

Those Voting Aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

THE MOTION CARRIED: ALJ ORDER AFFIRMED

3. Lenora Jurgensen v. Shawnee Public Schools and CompSource Mutual Ins. Co. (FKA CompSource Oklahoma), File #CM2019-02950J

Respondent filed an appeal from the order issued by Administrative Law Judge McMillin. Daniel M. Davis appeared for the Claimant and Dawson Pester appeared for the Respondent.

Motion: After reviewing the record, hearing oral arguments, and deliberating, Commissioner Tilly moved to affirm the Administrative Law Judge's order and authorized the Commission's Presiding Appellate Officer to sign and file an order on behalf of the Commission.

Second: Commissioner Russell.

Those Voting Aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

THE MOTION CARRIED: ALJ ORDER AFFIRMED

4. Valerie Wilson v. MITF, File #CM2017-00270K

Claimant filed an appeal from the order issued by Administrative Law Judge McMillin. Alex Forbes appeared for the Claimant and Jennifer Finley appeared for the Respondent.

Motion: After reviewing the record, hearing oral argument of counsel, and deliberating, the Commissioner Russell moved to take this case under advisement.

Second: Commissioner Tilly.

Those Voting Aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

THE MOTION CARRIED: TAKEN UNDER ADVISEMENT

5. Brian Cobb v. Insperity Inc. and Indemnity Insurance Co. of North America, File #CM2017-05431Y

Respondent filed an appeal from the order issued by Administrative Law Judge Lawyer. Bret A. Unterschuetz is the attorney of record for the Claimant and Paul A. Scott is the attorney of record for the Respondent.

CONTINUED

6. Lewis Perry v. City of Tulsa (OWN RISK #10435), File #CM2016-07068K

Claimant filed an appeal from the order issued by Administrative Law Judge McMillin. J. Stephen McClellan and Bret A. Unterschuetz are the attorneys of record for the Claimant. Nicholas E. Moorad II is the attorney of record for the Respondent.

CONTINUED

7. Lewis Perry v. City of Tulsa (OWN RISK #10435), File #CM2019-02600J

Claimant filed an appeal from the order issued by Administrative Law Judge Inhofe. J. Stephen McClellan and Bret A. Unterschuetz are the attorneys of record for the Claimant. Nicholas E. Moorad II is the attorney of record for the Respondent.

CONTINUED

8. Lewis Perry v. City of Tulsa (OWN RISK #10435), File #CM2019-02601L

Claimant filed an appeal from the order issued by Administrative Law Judge Inhofe. J. Stephen McClellan and Bret A. Unterschuetz are the attorneys of record for the Claimant. Nicholas E. Moorad II is the attorney of record for the Respondent.

CONTINUED

C. Commission Consideration of Adoption of Final Orders in the Following Cases:

1. Diana Burbank v. Tropical Plant Design Inc. and Compsource Mutual Ins. Co. (FKA Compsource Oklahoma), File #CM2017-01135Q

Claimant and Respondent filed an appeal from the order issued by Administrative Law Judge Inhofe. Edward Grimes appeared for the Claimant and Cynthia J. Braly appeared for the Respondent.

This case came on for Oral Argument on June 19, 2020. After reviewing the record, hearing oral argument of counsel, and deliberating, the Commission took this case under advisement.

Possible Action:

Possible action may include, but is not limited to: taking no action, adopting an order as proposed or as modified at the hearing, or continuing the matter.

2. Victor Martinez v. Multiple Injury Trust Fund, File #CM2018-02303YMIF

Claimant filed an appeal from the order issued by Administrative Law Judge McMillin. Marcus Gowens appeared for the Claimant and Jon Derouen appeared for the Respondent.

This case came on for Oral Argument on October 23, 2020. After reviewing the record, hearing oral argument of counsel, and deliberating, Commissioner Russell moved to take preliminary action to affirm the Administrative Law Judge's Order and instruct Appellate Counsel or other staff member to draft a proposed order to be considered at a future meeting.

Possible Action:

Possible action may include, but is not limited to: taking no action, adopting an order as proposed or as modified at the hearing, or continuing the matter.

3. Bernard Debord Jr. v. Action Group Staffing and CompSource Mutual Ins. Co. (FKA COMPSOURCE OKLAHOMA) and Flintco LLC and Arch Insurance Co., File #CM2019-02911A

Respondent Flintco, and its insurance carrier, Arch Insurance Company, filed an appeal from the order issued by Administrative Law Judge Inhofe. Respondent Action Group Staffing, and its insurance carrier, CompSource Mutual Insurance Company, filed a cross-appeal. David P. Reid appeared for the Claimant. Dana L. Gish appeared for Action Group Staffing and CompSource Mutual Insurance Company. John A. McCaleb appeared for Flintco and Arch Insurance Company.

This case came on for Oral Argument on October 23, 2020. After reviewing the record, hearing oral argument of counsel, and deliberating, the Commission took this case under advisement.

Possible Action:

Possible action may include, but is not limited to: taking no action, adopting an order as proposed or as modified at the hearing, or continuing the matter.

4. Bobby Collings v. Multiple Injury Trust Fund, File #CM2017-00899FMIF

Respondent filed an appeal from the order issued by Administrative Law Judge Curtin. Joe Farnan appeared for the Claimant. John Derouen appeared for the Respondent.

This case came on for Oral Argument on October 23, 2020. After reviewing the record, hearing oral argument of counsel, and deliberating, the Commission took this case under advisement.

Possible Action:

Possible action may include, but is not limited to: taking no action, adopting an order as proposed or as modified at the hearing, or continuing the matter.

5. Steven Bachlor v. IC Bus of Oklahoma LLC and IC Bus of OK A Navistar Inc. Co. (OWN RISK #19208), File #CM2017-05790A

Claimant filed an appeal from the order issued by Administrative Law Judge Egan. Ray Lahann appeared for the Claimant and David J. Frette appeared for Respondent.

This case came on for Oral Argument on October 23, 2020. After reviewing the record, hearing oral argument of counsel, and deliberating, the Commission took this case under advisement.

Possible Action:

Possible action may include, but is not limited to: taking no action, adopting an order as proposed or as modified at the hearing, or continuing the matter.

6. Quincy Tran v. Boeing Co. and Indemnity Insurance Co. of North America, File #CM2017-05844R

Respondent filed an appeal from the order issued by Administrative Law Judge McMillin. Claimant represented himself pro se. Theresa Bullard appeared for the Respondent.

This case came on for Oral Argument on October 23, 2020. After reviewing the record, hearing oral argument of counsel, and deliberating, Commissioner Russell moved to take preliminary action to reverse and remand the Administrative Law Judge's decision as contrary to law and instruct Appellate Counsel or other staff member to draft a proposed order to be considered for continued action at a future meeting.

Possible Action:

Possible action may include, but is not limited to: taking no action, adopting an order as proposed or as modified at the hearing, or continuing the matter.

7. Charlene Skene v. Dress Barn Inc. and Safety National Casualty Corp., File #CM2018-04158A

Claimant filed an appeal from the order issued by Administrative Law Judge Inhofe. Bret A. Unterschuetz appeared for the Claimant and Clark P. Bushyhead appeared for the Respondent.

This case came on for Oral Argument on December 18, 2020. After reviewing the record, hearing oral argument of counsel, and deliberating, the Commission took this case under advisement.

Possible Action:

Possible action may include, but is not limited to: taking no action, adopting an order as proposed or as modified at the hearing, or continuing the matter.

8. Vincent Dopler v. NCED Conference Center Marriot and Marriot International Inc. (OWN RISK), File #CM2018-06999K

Claimant filed an appeal from the order issued by Administrative Law Judge Egan. Kurt W. Goodwin and Spencer Housley appeared for the Claimant. Jennifer Finley appeared for the Respondent.

This case came on for Oral Argument on December 18, 2020. After reviewing the record, hearing oral argument of counsel, and deliberating, Commissioner Russell moved to take preliminary action to reverse and remand the Administrative Law Judge's decision as contrary to law and instruct Appellate Counsel or other staff member to draft a proposed order to be considered for continued action at a future meeting.

Possible Action:

Possible action may include, but is not limited to: taking no action, adopting an order as proposed or as modified at the hearing, or continuing the matter.

D. Announcements

The Commission's next dual advisory meeting is Thursday, February 4, 2021, at 2:00 p.m. The Commission's next regular business meeting is Thursday, February 18, 2021, at 1:30 p.m. The Commission's next regular appeals meeting is Friday, February 19, 2021, at 9:00 a.m.

ADJOURNMENT

Motion: Commissioner Tilly moved to adjourn the meeting at approximately 11:25 a.m.

Second: Commissioner Russell.

Those Voting Aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

THE MOTION CARRIED: THE MEETING WAS ADJOURNED.